

REMARKS

The Office Action dated January 10, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 2, 4, 7-9, 11, 16-19, and 21 are amended to more particularly point out and distinctly claim the subject matter of the present invention. Claims 1, 10, and 23 are cancelled without disclaimer or prejudice. New claim 27 is added. Applicants gratefully acknowledge the indication that claims 2, 11 and 16 would be allowable if rewritten into independent form. Accordingly, claims 2, 11 and 16 are amended into independent form to incorporate the subject matter of claims 1 and 10. The features of claim 16 are rewritten into independent form as new claim 27. Claim 19 is amended to incorporate the allowable subject matter of claim 11. Thus, no new matter is added. Claims 2, 4, 7-9, 11, 16-19, 21, and 24-27 are respectfully submitted for consideration.

The Office Action rejected claim 23 under 35 U.S.C. 102(b) as being anticipated by WO 01/91445 (WO '445). This rejection is moot in light of the cancellation of this claim.

The Office Action rejected claims 1, 4, 7-10, 17, 19, 21 and 24-26 under 35 U.S.C. 103(a) as being obvious over WO '445, in view of US Patent No. 6,345,182 to Fabritius (Fabritius). The Office Action took the position that WO '445 disclosed all of the features recited in these claims except ignoring charging data from the first layer in the first layer charging function. The Office Action asserted that Fabritius disclosed this

feature. Applicants submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in any of the pending claims. The rejection of claims 1, 10 and 23 are moot in light of the cancellation of these claims.

Further as stated above, claims 2 and 11 are rewritten into independent form. Thus, Applicants submit that claims 2, 11 and dependent claims 7-9 and 17-18 are allowable.

Claim 4, from which claims 24-26 depend, is directed to a method. Information is transmitted from a first layer charging function to a network node collecting charging data, on a first layer in a first charging instruction. The information indicates that charging data is transmitted to the first layer charging function. Charging data is received in the first layer charging function from the network node collecting charging data on the first layer. A first piece of information indicating that the first layer charging data are attended to is received in the first layer charging function by a second layer charging function, the first piece of information not being part of the first layer charging data. In response to the first piece of information, in the first layer charging function at least partly the charging data coming from network node collecting charging data on the first layer is ignored. The first layer and the second layer are usable for transmitting a service in a telecommunication system.

Claim 19 is directed to a network node. A reception unit is configured to receive a first piece of information indicating that first layer charging data are attended to by a second layer, the first piece of information not being part of the first layer charging data.

A control unit is configured to control first layer charging. The control unit is responsive to the reception unit, and waits a predetermined time for a first piece of information to transmit, in response to receiving the first piece of information during a predetermined time, to a network node collecting charging data in the first layer, in a first charging instruction, information indicating that the charging data are not transmitted to the first layer charging function. The control unit is further configured to transmit, in response not to receiving the first piece of information during the predetermined time, to the network node collecting charging data in the first layer, in a second charging instruction, information indicating that the charging data are transmitted to the first layer charging function. The first layer and the second layer are usable for transmitting a service in a telecommunication system.

Claim 21 is directed to a network node. A first layer charging function attends to first layer charging data. A control unit is configured to control first layer charging. In response to a request associated with controlling of the first layer charging, the control unit is configured to transmit a first charging instruction to a network node collecting charging data in the first layer. The first charging instruction indicates that the charging data is transmitted to the first layer charging function. A reception unit is configured to receive first layer charging data and a first piece of information indicating that the first layer charging data are attended to by a second layer, the first piece of information not being part of the first layer charging data. The control unit is configured to be responsive to the reception unit and to give an instruction to ignore at least partly the charging data

received from the network node collecting the charging data. The control unit is configured to transmit a second charging instruction to the network node collecting charging data in the first layer, the second instruction indicating that the charging data are transmitted to the second layer charging function. The first layer charging function is configured to ignore, in response to the first piece of information, at least partly the charging data coming from network node collecting charging data on the first layer. The first layer and the second layer are usable for transmitting a service in a telecommunication system.

Applicants submit that each of the pending claims recites features that are neither disclosed nor suggested in the cited references.

WO '445 is directed to arranging subscriber billing in a multiprovider environment wherein the subscriber desiring a service uses a first network and a second network. WO '445 further describes a service control function CSE_T of the IP telephony operator control billing in the IP telephony network. The service control function includes service logic and control associated with billing and different services. WO '445 further describes another service function CSE_A for billing pre-paid subscriptions. This network node is also responsible for billing or can be a node for a third party. See page 4 lines 30-32 and page 8 lines 9-10.

Fabritius is directed to charging in a telecommunications system. Fabritius describes that at the MSC the call is classified as corresponding to either a call for which the MSC is to be charged, or as a call for which the call determination point is located

outside of the mobile communications network. In this case, tariff information received from an external charge determination point and charge information is calculated based on the mobile networks tariff information. See col. 2 lines 49-53.

Applicants respectfully submit that the cited references fail to disclose or suggest at least the feature of "transmitting from a first layer charging function information to a network node collecting charging data on a first layer in a first charging instruction, the information indicating that charging data are transmitted to the first layer charging function", as recited in claims 4, 19 and 21. The Office Action relied on WO '445 to disclose this feature.

WO '445 describes "detecting that CSE_A is responsible for the prepaid account" thus, WO '445 fails to disclose "transmitting from a first layer charging function information to a network node collecting charging data on a first layer in a first charging instruction, the information indicating that charging data are transmitted to the first layer charging function". For example, in WO '445, the detecting is performed within a unit, whereas transmitting takes place between two units. In addition, as is clear from paragraph 0021 in WO '445, CSCF is not a network node collecting charging data.

Further, based on the above, it follows that the cited references fail to disclose or suggest the features of "receiving in the first layer charging function, charging data from the network node collecting charging data on the fast layer", and "ignoring, in response to the first piece of information, in the first layer charging function at least partly the

charging data coming from network node collecting charging data on the first layer", as recited in claim 4, and similarly recited in claims 19 and 21.

Applicants submit that because claims 24-26 depend from claim 4, these claims are allowable at least for the same reasons as claim 4, as well for the additional features recited in these dependent claims.

Based at least on the above, Applicants submit that the cited references fail to disclose or suggest all of the features recited in claims 4, 7-9, 17, 19, 21 and 24-26. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action objected to claims 2, 11, and 16 as being dependent from a rejected base claim. However, the Office Action indicated that these claims would be allowable if rewritten into independent form. As discussed above claims 2 and 11 are amended into independent form. The features of claim 16 are rewritten into independent form in new claim 27, (discussed below). Accordingly, withdrawal of the objection to the claims is respectfully requested.


As discussed above, new claim 27 is added. Applicants submit that claim 27 recites features that are neither disclosed nor suggested in any of the cited references.

Applicants submit that each of claims 2, 4, 7-9, 11, 16-19, 21, and 24-27 recite features that are neither disclosed nor suggested in any of the cited references. Accordingly, it is respectfully requested that each of claims 2, 4, 7-9, 11, 16-19, 21, and 24-27 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
Additional Claim Fee Transmittal
Check No. 16693